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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,496	11/19/2003	Hideki Kitahama	245451US90	4507
22850 7590 06/08/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HOANG, DANIEL L	
			ART UNIT 2136	PAPER NUMBER
			NOTIFICATION DATE 06/08/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,496	<b>Applicant(s)</b> KITAHAMA ET AL.	
	<b>Examiner</b> Daniel L. Hoang	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/28/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-6 are presented.

### **RESPONSE TO ARGUMENTS**

Applicant's arguments filed 2/28/07 have been fully considered but they are not persuasive.

Applicant argues:

I. The '590 reference fails to disclose a communication control apparatus that includes storing means for storing firewall configuration information suitable for a mobile station, in correspondence with identification information that identifies the mobile station among a plurality of mobile stations. In relation to this argument, applicant further argues that the 590 reference is directed to the use of a single computing device in both a home network and a foreign network, thus it does not disclose identification information that identifies the mobile station among a plurality of mobile stations.

In response to I, examiner has fully considered applicant's arguments and contends that they are not persuasive for the following reasons. In paragraph 2 of the 590 reference, Syvanne teaches that a firewall can be a router, a personal computer, or any other device that operates at the same time as a connector and a separator between networks. In paragraph 3, Syvanne further teaches that a personal firewall may be implemented as software installed on the computer or as a separate electronic device connected to the computer device. Referring to figure 4 of the 590 reference, it can be seen that the IP address is used to identify the mobile station. Piecing these citations together, it is clear that the firewall, which can take the form of a router, stores firewall configuration information in correspondence to the IP address of the mobile unit, the IP address analogous to the claimed identification information. The IP address is identification information which is unique to only one mobile station in the network and thus clearly serves as an identifier distinct from other identifiers belonging to other mobile stations in the network. It is clear that a

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network is capable of having more than one mobile station connecting to it, each mobile station having a corresponding IP address.

II. The '590 reference fails to disclose a communication control apparatus that includes detecting means for detecting an external firewall device connected to the mobile station by receiving information for notifying movement of the mobile station via the external firewall device. In relation to this argument, applicant further argues that the personal firewall device disclosed by the reference is not external and is located within the computer terminal.

In response to II, examiner contends that the cited location verification procedure taught by the 590 reference is analogous the detecting an external firewall device connected to the mobile station. By determining the current location of the computer and comparing it to a predetermined or previous location, it is clear that movement of the mobile station has occurred if the location is different. Furthermore, as cited above, the personal firewall does not necessarily have to be located within the computer terminal and can be located outside of the computer.

III. The '590 reference fails to disclose transmitting means for, in response to the detection of the external firewall device connected to the mobile station, transmitting the stored firewall configuration information corresponding to the identification information of the mobile station to the external device.

In response to III, see paragraph 13 of the 590 reference wherein Syvanne teaches that security rules are defined, updated, and distributed centrally by a centralized rule-based server. The reference further teaches the updating process is dependent on the current location of the computer device in a similar manner as selection of the active rules. Examiner interprets this to be analogous to the claim in that in response to the location of the mobile station, appropriate rules are retrieved from the central server to acquire security rules which are analogous to firewall configuration information.

In view of the above responses, examiner contends that applicant's arguments and amendments are not persuasive in overcoming the rejections of the previous office action and thus they are maintained.

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## CLAIM REJECTIONS

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Syvanne, US PGP No. 20030097590.

#### **As per claims 1 and 3, Syvanne teaches:**

A communication control apparatus for implementing transmission and reception of data to and from a plurality of firewall devices connectible to a mobile station, the communication control apparatus comprising:

*[see paragraph 10] "A computer device which can be connected to a home network and to a foreign network is provided with a local security mechanism, called a personal firewall herein, for protecting the computer device from attacks from a foreign network."*

storing means for storing firewall configuration information suitable for the mobile station, in correspondence with identification information of the mobile station;

*[see paragraph 10] "The personal firewall is provided with different sets of security rules, at least one set of rules for the home network and at least one set of rules for foreign networks."*

detecting means for detecting a firewall device connected to the mobile station; and

*[see paragraph 10] "The personal firewall is arranged to detect its current location, i.e. to determine the network to which it is connected at each particular moment."*

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transmitting means for, in conjunction with the detection of the firewall device connected to the mobile station, transmitting the firewall configuration information corresponding to the identification information of the mobile station, to the firewall device.

*[see paragraph 10] "The personal firewall activates one of the given sets of security rules according to the detected current location of the computer device."*

**As per claim 2 and 4, Syvanne teaches:**

A firewall apparatus for implementing relaying in transmission and reception of data between the communication control apparatus as set forth in claim 1, and a plurality of mobile stations, the firewall apparatus comprising:

retaining means for retaining a filtering condition included in the firewall configuration information, in correspondence with identification information of each mobile station;

*[see paragraph 10] "the personal firewall automatically uses the security rules predefined for the network to which the computer device is connected at each particular moment."*

distinguishing means for distinguishing a mobile station being a destination of a packet transmitted from the communication control apparatus; and

*[see paragraph 11] "The current location of the computer device is preferably determined on the basis of a currently used IP address of the computer device."*

determining means for determining the propriety of passage of the packet in accordance with the filtering condition corresponding to the mobile station distinguished by the distinguishing means.

*[see paragraph 10] "Upon detecting a change in the location, the personal firewall immediately adapts to use security rules predefined for the new location."*

**As per claim 5, Syvanne teaches:**

The communication control apparatus of Claim 1, wherein the detecting means comprises:

means for receiving, from the external firewall device, a binding update packet that indicates that the mobile station has moved and is connected to the external firewall device.

As cited above, the firewall may be a router. The router is capable of informing the mobile station of the current IP address. If the IP address is different from a predetermined or previous address then it

is clear that the mobile station has moved. If the mobile station has moved to a foreign network, then it is connected to an external firewall device.

**As per claim 6, Syvanne teaches:**

The communication control apparatus of claim 1, wherein the transmitting means comprises:  
means for transmitting the identification information of the mobile station to the external firewall device together with the stored firewall configuration information.

*[see paragraphs 45-47] The updated rules are pushed down from the central server to the personal firewall in accordance to the mobile station's IP address within the internal network.*

**CONCLUSION**

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**POINTS OF CONTACT**

\* Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to


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Customer Service Window  
Randolph Building  
401 Dulaney Street  
Alexandria, VA 22314


\* Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Daniel L. Hoang  
6/4/07

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